IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33577 of 2007(V)

AGAINST THE ORDER IN EA.301/2006,EP.282/2005 IN OS.408/2004 of PRL.M.C.,KOZHIKODE-II

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PETITIONER:

P.M.PANKAJAKSHI
D/O.MEENAKSHI AMMA
PANNIKKAMADHATHIL HOUSE
NADUVATTOM AMSOM, DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.C.VALSALAN
SRI.I.K.RAJU
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENT:

M.P.BALAN
AGED 66 YEARS, D/O. CHATHU,
REENA NIVAS,NADUVATTOM AMSOM, DESOM
KOZHIKODE TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.33577 of 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

This Writ Petition is filed challenging the order of the Munsiff Court II, Kozhikode in E.A.No.301 of 2006 in E.P.No.282 of 2005 in O.S.No.408 of 2004. The Execution Petition is one for the sale of the residential property of the writ petitioner. But she did not file objection in time and therefore she moved E.A.No.301 of 2006 for receiving the counter statement. The said application was dismissed as the writ petitioner was not present. The right of the party has to be protected. It may not be proper to throw her claim on technical grounds.

2. Therefore, I direct the court below to restore E.A.No.301 of 2006 and dispose of the matter in accordance with law and till that time, the sale be deferred.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 14/11